

Message Text

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SUBJ: AMBASSADOR JOHNSON'S STATMENT OF AUGUST 19, 1975

(SALT TWO - 733)

THE FOLLOWING IS STATEMENT DELIVERED BY AMBASSADOR JOHNSON
AT THE SALT TWO MEETING OF AUGUST 19, 1975.

STATEMENT BY AMBASSADOR JOHNSON

AUGUST 19, 1975

MR. MINISTER:

I

TODAY I WILL PROVIDE FURTHER ELABORATION ON THE U.S. PROPOSAL
OF AUGUST 8 FOR PARAGRAPH 3 OF ARTICLE XVII OF THE JOINT DRAFT
TEXT. THAT PARAGRAPH DEALS WITH THE OBLIGATION OF THE SIDES NOT
TO IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS OF COMPLIANCE

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WITH THE PROVISIONS OF THE NEW AGREEMENT.

II

OUR GOVERNMENTS HAVE AGREED THAT EACH PARTY SHALL USE ITS NATIONAL TECHNICAL MEANS OF VERIFICATION FOR THE PURPOSE OF PROVIDING ASSURANCE OF COMPLIANCE WITH THE PROVISIONS OF THE NEW AGREEMENT. PARAGRAPH I OF ARTICLE XVII REFLECTS THIS AGREEMENT. THERE IS ALSO SPECIFIC AGREEMENT BETWEEN THE SIDES THAT THEY WILL USE THESE MEANS IN A MANNER CONSISTENT WITH GENERALLY RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW. IN THIS CONTEXT, EACH SIDE USES ITS NATIONAL TECHNICAL MEANS TO COLLECT DATA, ON WHICH TO BASE JUDGMENTS CONCERNING COMPLIANCE WITH THE PROVISIONS OF THE AGREEMENT.

HOWEVER, OUR GOVERNMENTS HAVE ALSO RECOGNIZED THAT THESE NATIONAL TECHNICAL MEANS COULD BE PREVENTED FROM SATISFACTORILY PERFORMING THEIR FUNCTION. THIS COULD BE DONE THROUGH ACTIVITIES WHICH WOULD INTERFERE WITH THE NATIONAL TECHNICAL MEANS THEMSELVES. IN PARAGRAPH 2 OF ARTICLE XVII, ON WHICH THE SIDES ARE AGREED, EACH PARTY UNDERTAKES NOT TO INTERFERE WITH THE OTHER PARTY'S NATIONAL TECHNICAL MEANS.

III

NATIONAL TECHNICAL MEANS CAN ALSO BE PREVENTED FROM SATISFACTORILY PERFORMING THEIR FUNCTION THROUGH ACTIVITIES WHICH, WHILE NOT INTERFERING WITH NATIONAL TECHNICAL MEANS THEMSELVES, NEVERTHELESS IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS. PARAGRAPH 3 OF ARTICLE XVII DEALS WITH SUCH IMPEDING OF VERIFICATION. THE FIRST SENTENCE OF THE U. S. PROPOSAL OF AUGUST 8 FOR THAT PARAGRAPH, TAKEN TOGETHER WITH THE ACCOMPANYING AGREED STATEMENT, DEALS WITH THE DELIBERATE IMPEDING OF VERIFICATION BY NATIONAL TECHNICAL MEANS. THE SIDES MUST NOT UNDERTAKE ANY ACTIVITY, THAT IS ANY MEASURE OR PRACTICE, WHICH IS DESIGNED FOR THE PURPOSE OF IMPEDING VERIFICATION BY NATIONAL TECHNICAL MEANS, NO MATTER WHAT THE NATURE OF THE ACTIVITY. IT IS NOT IMPORTANT WHETHER AN ACTIVITY IN QUESTION FALLS INTO THE CATEGORY OF A CONCEALMENT MEASURE, OR SOME OTHER TYPE OF MEASURE, OR A PRACTICE. WHAT IS IMPORTANT IS THAT IF THAT ACTIVITY IS CARRIED OUT FOR THE PURPOSE OF DELIBERATELY IMPEDING VERIFICATION BY

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NATIONAL TECHNICAL MEANS, IT SHOULD BE PROHIBITED. TO PERMIT SUCH ACTIVITIES WOULD BE CONTRARY TO THE BASIC PRINCIPLES AGREED BETWEEN US.

THE LANGUAGE PROPOSED BY THE U.S. DELEGATION ON AUGUST 8 FOR THE AGREED STATEMENT SETS FORTH THOSE ACTIVITIES WHICH IN OUR VIEW ARE INCLUDED IN THE SCOPE OF THE OBLIGATIONS ASSUMED UNDER THE FIRST SENTENCE OF PARAGRAPH 3. I WOULD APPRECIATE HEARING THE

SOVIET VIEWS ON THE SCOPE OF THE OBLIGATIONS TO BE ASSUMED UNDER THE FIRST SENTENCE. IN PARTICULAR IT WOULD BE HELPNUL TO KNOW IF THE SOVIET SIDE CONCURS THAT THE ACTIVITIES SET FORTH IN THE AGREED STATEMENT SHOULD BE PROHIBITED, OR IF THE SOVIET SIDE BELIEVES THAT THE U.S. LANGUAGE ENCOMPASSES ACTIVITIES WHICH SHOULD NOT BE PROHIBITED.

IV

THE THIRD SENTENCE OF THE U.S. PROPOSAL FOR PARAGRAPH 3 OF ARTICLE XVII DEALS WITH THE UNINTENTIONAL IMPEDING OF VERIFICATION BY NATIONAL TECHNICAL MEANS. THE U. S. RECOGNIZES THAT ACTIVITIES WHICH UNINTENTIONALLY IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS ARE OF A DIFFERENT CHARACTER FROM THOSE WHICH DELIBERATELY IMPEDE. NEVERTHELESS ACTIVITIES WHICH UNINTENTIIONALLY IMPEDE VERYFICATION BY NATIONAL TECHNICAL MEANS CAN HAVE A SERIOUS ADVERSE IMPACT ON ASSURANCE OF COMPLIANCE WITH THE PROVISIONS OF THE AGREEMENT. CONSEQUENTLY, THE U.S. HAS PROPOSED A "BEST EFFORTS" OBLIGATION WITH RESPECT TO SUCH ACTIVITIES. THIS MEANS THAT THE SIDES WOULD BE OBLIGATED WITHIN PRACTICAL LIMITS TO AVOID MEASURES AND PRACTICES WHICH RESULT IN UNINTENTIONALLY IMPEDING VERIFICATION BY NATIONAL TECHNICAL MEANS. IT DOES NOT MEAN THAT EITHER SIDE SHOULD DICTATE OR HAVE THE RIGHT TO VETO ACTIVITIES OF THE OTHER SIDE.

V

MR. MINISTER, TODAY I HAVE PRESENTED ADDITIONAL RATIONALE FOR THE U. S. POSITION ON PARAGRAPH E OF ARTICLE XVII. I HOPE THAT THIS WILL BROADEN THE AREA OF MUTUAL UNDERSTANDING AND AGREEMENT ON THIS ISSUE. JOHNSON

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